

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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John Robinson,

Petitioner,

ORDER
21-CV-07218 (DG) (LB)

-against-

Superintendent, Green Haven Correctional Facility,

Respondent.

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DIANE GUJARATI, United States District Judge:

Petitioner John Robinson, proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S. C. § 2254, challenging his 2019 conviction in New York Supreme Court, Kings County of burglary in the second degree. *See* Petition, ECF No. 1. Respondent opposed the Petition. *See* ECF No. 7.

On April 2, 2024, the undersigned referred the Petition to Chief Magistrate Judge Lois Bloom for a report and recommendation. *See* April 2, 2024 Order.

On October 21, 2024, Judge Bloom issued a Report & Recommendation (the “R&R”) recommending that the Petition be denied. *See generally* R&R, ECF No. 8 (addressing, *inter alia*, each of the three grounds raised by Petitioner in the Petition).¹

No objection to the R&R has been filed and the time for filing objections has passed. *See generally* docket.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “Where no objection to a Report and Recommendation has been timely made, the district court need only satisfy itself

¹ Judge Bloom also recommended that no certificate of appealability issue and that the Court certify that any appeal would not be taken in good faith. *See* R&R at 15-16.

that there is no clear error on the face of the record.” *May v. Levy*, 659 F. Supp. 3d 323, 332 (E.D.N.Y. 2023) (quotation omitted).

Upon clear error review, the Court adopts the R&R’s recommendations that the Petition be denied; that no certificate of appealability issue; and that the Court certify that any appeal would not be taken in good faith.

* * *

The Petition, ECF No. 1, is DENIED.

The Court will not issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2). Petitioner, however, has a right to seek a certificate of appealability from the United States Court of Appeals for the Second Circuit. *See* 28 U.S.C. § 2253(c).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore denies *in forma pauperis* status for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment, close this case, and mail a copy of this Order to Petitioner.

SO ORDERED.

/s/ Diane Gujarati
DIANE GUJARATI
United States District Judge

Dated: December 2, 2024
Brooklyn, New York